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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,063	02/14/2002	Daniel W. Konz	38190/243259	8504

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EXAMINER	
NGUYEN, VAN KIM T	
ART UNIT	**PAPER NUMBER**
2151	

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,063	KONZ ET AL.	
	Examiner	Art Unit	
	Van Kim T. Nguyen	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/11/05, 2/2/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: (PTO-1449) 8/1/03, 7/18/03, 10/15/02 .

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both Low Pass Filter and Suppression Assemblies (Figure 6).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1, 11, 21, 23, and 32 are objected to because of the following informalities:

Claims 1 recites the limitation ""the group" on page 19: line 8. There is insufficient antecedent basis for this limitation in the claims.

Claims 11 recites the limitation ""the group" on page 21: line 20. There is insufficient antecedent basis for this limitation in the claims

Claims 23 recites the limitation ""the group" on page 24: line 3. There is insufficient antecedent basis for this limitation in the claims

Claims 32 recites the limitation ""the group" on page 25: line 28. There is insufficient antecedent basis for this limitation in the claims

Claim 21 recites the limitation "an LC low pass filter". It is not clear what an LC is.

Appropriate correction is required.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-7, 11, and 13-17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of copending Application No. 10/076,188.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-35 of the instant application have substantially all the limitations of patented claims 1-35; e.g., claims 1 an 7 of the instant application are merely broaden the scope of patented claims 1 and 2 by eliminating the local oscillator and the spread-spectrum clock. It

has been held that the omission of an element and its function is an obvious expedient if the remaining elements perform the same function as before.

Similarly, claims 11, 23, and 32 of the instant application recite substantially all the limitations of patented claims 10 and 11; 23 and 24; and 32, respectively.

Similarly, claims 2, 3, 4, 8, 9, and 10 of the instant application recite substantially all the limitations of patented claims 6, 7, 8, 3, 5, and 4, respectively.

Similarly, claims 5-6 of the instant application recite substantially all the limitations of patented claim 9 since it is obvious a low pass filter is capable of removing at least one high frequency component from the messages.

Similarly, claims 12-22 and 28-35 of the instant application recite substantially all the limitations of patented claims 12-22 and 28-35, respectively.

Similarly, claims 24, 25, 26, and 27 of the instant application recite substantially all the limitations of patented claim 25, 26, 27, and 23, respectively.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-7, 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson et al (US 5,671,249), hereinafter Andersson, in view of Curtis et al (US 5,223,806), hereinafter Curtis.

Regarding claims 1, 7, and 11, as shown in Figures 1-6, Andersson discloses a network comprising:

a network bus electrically connected to at least one network device (Fig. 1: 30, Fig. 2: 110; col. 2: lines 31-35); and

a network controller (Fig. 1: 10, Fig. 2: 130) for directing communications with the at least one network device via the network bus, wherein the network controller is capable of selectively operating in either mode selected from the group consisting of a synchronous mode and an asynchronous mode (col. 2: lines 31-44), wherein the network controller is capable of transmitting messages and clock signals (system and backplane clock) via the network bus in the synchronous mode (col. 2: lines 44-46).

Andersson also discloses in the asynchronous mode the network controller is capable of transmitting messages without any accompanying clock signals via the network bus (e.g., external backplane clock is not required, col. 2: lines 55-56; col. 5: lines 32-33).

Though Andersson does not explicitly teach the network controller capable of transmitting messages at a predetermined bit rate in the asynchronous mode, it is a feature well known in the art, i.e., data can be sent and received at a pre-designated transmission rate as long as sufficient system resources are provided; thus it would be obvious to one of ordinary skill in

the art at the time the invention was made to provide adequate system resources if transmitting data at a predetermined bit rate is desired.

However, Andersson is silent on at least one suppression assembly electrically connected between the network bus and respective network devices, wherein each suppression assembly is capable of limiting electromagnetic emissions from the respective network devices communicating via the network bus.

As shown in Figures 1-6, Curtis discloses a suppression assembly electrically (Figs. 1-2: 16, 18, 22) connected between the network bus (Figs. 1-2: 20, 20A) and respective network devices (Figs. 1-2: 12, 18), wherein each suppression assembly is capable of limiting electromagnetic emissions from the respective network devices communicating via the network bus (abstract; and col. 3: lines 9-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Curtis' method of reducing electromagnetic interference and emission in Andersson's system, motivated by the need of improving quality of data transmission.

Regarding claims 2 and 13, the combination of Andersson and Curtis also discloses the network bus comprises unshielded differential twisted-pair wires (Andersson: col. 1: lines 46-48; Curtis: col. 3: lines 12-14), and wherein each suppression assembly comprises an isolation transformer (90; col. 4: lines 40-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Curtis' method of reducing electromagnetic interference and emission in Andersson's system, motivated by the need of improving quality of data transmission.

Regarding claims 3 and 14, as shown in Fig. 2, Curtis also discloses each isolation transformer (90) includes a primary coil (90A) located proximate a respective network device and a secondary coil (90B) located proximate the network bus, wherein the primary coil and secondary coil include a primary center tap (109) and a secondary center tap (102), respectively, and wherein each suppression assembly further comprises:

a low impedance capacitor (108) electrically connected between the primary center tap (109) and a ground (104, 107, G_L) ; and

a resistor electrically (82, 92) connected between the secondary center tap (102) and the ground (104, 107, G_L).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Curtis' method of reducing electromagnetic interference and emission in Andersson's system, motivated by the need of improving quality of data transmission.

Regarding claims 4 and 15, as shown in Fig. 2, Curtis also discloses the at least one suppression assembly further comprises a common mode choke (96) electrically connected between the isolation transformer (90) and the network bus (20, 20A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Curtis' method of reducing electromagnetic interference and emission in Andersson's system, motivated by the need of improving quality of data transmission.

Regarding claims 5 and 16,as shown in Fig. 2, Curtis also discloses the at least one suppression assembly further comprises a low pass filter (88) electrically connected between the transceiver and the isolation transformer 90 (col. 4: lines 37-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Curtis' method of reducing electromagnetic interference and emission in Andersson's system, motivated by the need of improving quality of data transmission.

Regarding claims 6 and 17, Curtis also discloses the at least one network device (16, 18, 22) is capable of transmitting and receiving messages via the network bus (20, 20A), wherein the at least one suppression assembly includes a low pass filter capable (88) of removing at least one high frequency component (typical attribute of a low pass filter, i.e., only passes low frequencies), from the messages (Curtis, col. 4: lines 37-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Curtis' method of reducing electromagnetic interference and emission in Andersson's system, motivated by the need of improving quality of data transmission.

Regarding claim 7, Curtis also discloses each network device (10) comprises a remote device (12), and a network device interface element (16) electrically connected between the network bus (20, 20A) and respective remote devices (10), wherein each suppression assembly is electrically connected between a respective network device interface element and the network bus.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Curtis' method of reducing electromagnetic interference and emission in Andersson's system, motivated by the need of improving quality of data transmission.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen
Examiner
Art Unit 2151

vkn

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER